

20182. Misbranding of canned tomatoes. U. S. v. 430 Cases, etc. (F. D. C. No. 34491. Sample Nos. 4610-L, 4611-L.)

LIBEL FILED: December 17, 1952, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about November 12, 1952, by the Kings Creek Canning Co., from Kings Creek, Md.

PRODUCT: 430 cases, each containing 24 1-pound, 3-ounce cans, and 226 cases, each containing 24 1-pound, 12-ounce cans of tomatoes at Huntington, W. Va.

LABEL, IN PART: (Can) "Iona Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: March 12, 1953. The Kings Creek Canning Co., Princess Anne, Md., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Federal Security Agency.

20183. Misbranding of canned tomatoes. U. S. v. 98 Cases * * *. (F. D. C. No. 34528. Sample No. 59048-L.)

LIBEL FILED: January 5, 1953, Middle District of Georgia.

ALLEGED SHIPMENT: On or about December 8, 1952, by Markham Bros. & Co., from Okeechobee, Fla.

PRODUCT: 98 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Valdosta, Ga.

LABEL, IN PART: (Can) "Oak Hill Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and the label failed to bear a statement that the product fell below the standard.

DISPOSITION: March 10, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution.

20184. Misbranding of canned tomatoes. U. S. v. 93 Cases * * *. (F. D. C. No. 34227. Sample No. 62151-L.)

LIBEL FILED: November 18, 1952, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about September 4, 1952, by Westwood Canning Co., Inc., from New Castle, Ind.

PRODUCT: 93 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Murphysboro, Ill.

LABEL, IN PART: (Can) "It's Good Brand Solid Pack Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by such regulations, the name of the optional ingredient, calcium salt or calcium salts, present in the article.

DISPOSITION: March 26, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution, conditioned that the product be used only by the institution.